GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Revision Petition of Sri K. Venkatappa, Inspector of Police, Chittoor II Town P.S. - against the penalty of ''withholding of increments of pay for one year without cumulative effect" - Allowed – Penalty set aside – Orders – Issued.

HOME (SERVICES-I) DEPARTMENT

G.O.RT.No. 799 *Dated: 23-09-2019*

Read the following:

1. Revision Petition dt.20.09.2017 from Sri K. Venkatappa, Inspector of Police, Chittoor II Town PS.
2. Govt.Memo.No.3474(i)/Ser.I/A1/2017, dt. 05.12.2017.
3. From Director General of Police, Andhra Pradesh, Lr.No.29/T2/2018, dt.20.04.2018.

***

ORDER:

In the reference 1st read above, Sri K. Venkatappa, Inspector of Police, Chittoor II Town PS, (f) CCS, Kadapa has filed a Revision Petition before Government, requesting to set aside the penalty of ''withholding of increments of pay for one year without cumulative effect, treating the Medical Leave from 01.12.2015 to 16.01.2016 as EOL" imposed against him.

2. In the reference 3rd read above, the Director General of Police, Andhra Pradesh has stated that Sri K. Venkatappa, Inspector of Police, Chittoor II Town PS, (f) CCS, Kadapa was awarded the penalty of ''withholding of increments of pay for one year without cumulative effect, treating the Medical Leave from 01.12.2015 to 16.01.2016 as EOL" vide proceedings Rc.No.A9/MPR-53/2016, dated 27.04.2016 of Superintendent of Police, Y.S.R Kadapa for the following delinquency:-

> "The Charged Officer has reported sick due to severe back pain and taken bed rest for 47 days from 01.12.2015 to 16.01.2016. The Charged Officer reported for duty on 17.01.2016 A.M with medical fitness certificate. After reporting for duty the medical certificate has been sent to Director, Government General Hospital, RIMS, Kadapa to verify the genuine of the sickness. The Director, RIMS, Kadapa opined that (1) he was on leave for cervical spondylosis and low back syndrome from 01.12.2015 to 25.12.2015 (25 days). The medical certificate was issued by Dr. U.Rama Manohar MS., Ortho. There were no supporting investigations were enclosed along with above leave certificates and the certificate was issued outside with RIMS seal. (2) The Charged Officer was on leave for excision of sebaceous Cyst from 25.12.2015 to 16.01.2016 (23 days). This certificate was issued by RUSH Hospital, Tirupati. There was no supporting investigation. The excision of sebaceous cyst is minor outpatient procedure and usually does not require 23 days leave. Both the above illnesses were different. Therefore the sick of the CI is not genuine.
> Thus, the Charged Officer has exhibited gross neglect of duty and not submitted the genuine medical certificate.

3. His appeal petition was considered and rejected by the Inspector General of Police, South Zone, Rayalaseema Region, Kurnool, vide proceedings dated. 01.08.2017.

4. Aggrieved by the above orders, the individual has filed the Revision Petition before Government requesting to set aside the above punishment. In his revision petition he has stated that not only along with leave applications on medical certificates, even for medical reimbursement claims, the supporting investigation reports are being enclosed. It is strange to expect supporting investigation reports, along with medical certificates, as observed in his case. To his knowledge, there is no such hard and fast rule that "Investigation reports should be enclosed" along with medical certificates.

5. That for the rank of Inspectors of Police, the medical certificates should be obtained from specialists, i.e., MD or MS. In his case, for the first spell of his ailment for Cervical Spondylosis and low back ach syndrome for 25 days from 01.12.2015 to 25.12.2015, he had produced medical certificate issued by a Bone Specialist doctor,

Contd..2,

i.e., Dr. U. Rama Manohar, MS, Ortho, who is working in RIMS Hospital, Kadapa and thus, the certificate issued by him, is valid. Even for the second spell of his illness, i.e., excision of sebaceous cyst for 23 dyas from 25.12.2015 to 16.01.2016, he produced medical certificate issued by Specialist surgeon, RUSH Hospital, Tirupati, who is running a Govt., recognized hospital at Tirupati. Thus, this medical certificate was also issued by a valid specialist doctor and this would suffice to prove his illness.

6. That there is no procedure laid down in leave rules that if any Government servant proceeds on medical leave, the medical certificates produced by him should be got verified. However, there were no precedents in any district sending medical certificates to the Medical Superintendent or Director of a hospital, for verification, but, this procedure was adopted specially in his case, which also goes to show the inclination of the Disciplinary authority to punish him.

7. However, he stated that though he could not obtain any supporting investigation report for the first spell of medical leave for 25 days from 01.12.2015 to 25.12.2015, he had submitted the following supporting investigation reports/records, along with his explanation to the learned Supdt. of Police, Kadapa:

1. Prescription issued for sebaceous cyst;
2. Diagnosis Lab Report dt.18.12.2015 of RUSH Diagnostic Services, Opp.to Municipal Office, Tirupati,
3. Lab report dt.26.12.2015 issued by Dr. Syeda S. Fathima, MD Pathology, Dr. Remedies Labs, Hyderabad.

8. That the opinion given by Director, RIMS, Kadapa on the medical certificates produced by him, cannot be taken into account, since he was not subjected to examination by a Medical Board to vouch-safe the genuineness of the sickness or the medical certificates. Thus, awarding the punishment, simply basing on the "opinion" of Director, RIMS, Kadapa, who, by himself is not a Medical Board to issue any genuineness certificate, has to be considered as unilateral.

9. That he was appointed as a direct recruit SI on 02.01.1996 and promoted as Inspector of Police on 21.11.2007 and maintaining a clean defaulter sheet for the last more than 20 years. He had also completed 10 years of service as Inspector of Police by 21.11.2016 and he ripe enough for inclusion of his name in the promotion list as Deputy Superintendent of Police.

10. Due to imposition of the present punishment, his promotional chances, for which anybody aspires, will be deferred for one more year. Further, it has left a stigma in his unblemished record of service and causing mental agony for being punished unjustly.

11. After careful examination of the matter with reference to the records made available and the points raised by the appellant Government hereby allow the Revision Petition and accordingly **set aside** the penalty of ''withholding of increments of pay for one year without cumulative effect" imposed against Sri K. Venkatappa, Inspector of Police, Chittoor II Town PS, (f) CCS, Kadapa and absent period treated as "Eligible leave".

12. The Director General of Police, Andhra Pradesh is requested to take necessary action in the matter. The records received through the letter 3rd read above are returned herewith and receipt of the same may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.M. KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh. (with original records)
Copy to:
The individual concerned (through the Director General of Police, AP.,)
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER